



Appl. No. 09/776,379

Attorney Docket No. 82347.0002

Amended November 21, 2006 Customer No.: 26021  
Reply to Final Office Action of September 12, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Thomas A. Rhee

Serial No: 09/776,379

Confirmation No.: 8077

Filed: February 2, 2001

For: REAL LIFE IMPLEMENTATION OF  
MODERN PORTFOLIO THEORY (MPT)  
FOR FINANCIAL PLANNING AND  
PORTFOLIO MANAGEMENT

Art Unit: 3624

Examiner: Patel, Jagdish

I hereby certify that this correspondence  
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Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 22, 2006

Date of Deposit

John P. Scherlacher, Reg. No. 23,009

Name

*John P. Scherlacher* 11/22/06

Signature

Date

**DECLARATION UNDER 37 C.F.R. § 1.131**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Thomas A. Rhee, declare that:

1. I am the named inventor of the above-captioned U.S. application.
2. I am informed that U.S. Patent Application Publication No. US 2002/0091605, having an effective filing date of November 1, 2000, was cited in an Office Action in the above-captioned U.S. application and relied on in rejecting the pending claims of the application.
3. The invention described in the above-captioned U.S. application and which was made by me in the United States was described in a draft patent application prepared and revised prior to November 1, 2000. A copy of such application is attached to this declaration as Exhibit A. The application was

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Amdt. Dated \_\_\_\_\_

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prepared by my then attorney Jai Rho following meeting with him and was then revised by me, all prior to November 1, 2000. As such, the invention thereof was complete prior to November 1, 2000 which is the effective date of U.S. Patent Application Publication No. US 2002/0091605.

4. From a time prior to November 1, 2000 until the filing of the above-captioned U.S. application on February 2, 2001, I continued to confer and work with Mr. Rho regarding the draft patent application and revision thereof. Attached to this declaration as Exhibit B is a copy of my e-mail message of November 10, 2000 to Mr. Rho inquiring as to the status the draft during the process of review and revision of the draft.

5. This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.

6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By

THOMAS A. RHEE

Dated: 11-15-2006

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**From:** Thomas A. Rhee, Ph.D.  
**Sent:** Friday, November 10, 2000 3:40 PM  
**To:** Jai H. Rho  
**Subject:** Patent application

Hello, Mr. Rho.

I am wondering about the current status of my application for a patent. I also would like to remind you that I have not received a new invoice from you to this date.

Thanks.

Sincerely,

Thomas A. Rhee, Ph.D.